REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 3, 4, 9, 10, and 12-25 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-25 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §103:

A. In the Office Action, at pages 2-4, numbered paragraph 4, claims 1, 3, 6, 9, 10, 11, 12, 15, 16, 17, 18, 19 and 20-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yamauchi et al. (USPN 5,613,109; hereafter, Yamauchi) and Min (USPN 5,175,716; hereafter, Min) in view of De Pommery et al. (USPN 4,450,535; hereafter, De Pommery) in view of Chigira (USPN 5,163,356; hereafter, Chigira). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

B. In the Office Action, at pages 4-5, numbered paragraph 4, claims 2, 4, 5, 7, 8, 23 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yamauchi et al. (USPN 5,613,109; hereafter, Yamauchi) and Min (USPN 5,175,716; hereafter, Min) in view of De Pommery et al. (USPN 4,450,535; hereafter, De Pommery) and further in view of Chigira (USPN 5,163,356; hereafter, Chigira). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

In response to **A** and **B** above, the following arguments are presented:

Independent claim 1 has been amended to recite:

" A terminal, operating in conjunction with a center, the center having a database registered with a sales period set on each content, a database sales period reading section, a present time-sales period determining section and a key supplying section, comprising:

a period reader reading a requestable calendar sales period of time stored on an individual self contained computer readable content medium, the content medium indicating the requestable calendar sales period of time during which a content on the content medium can be served and sold;

a present calendar time data generator generating present calendar time data indicating a present calendar time;

a comparator comparing the requestable calendar sales period of time with the present calendar time; and

a requestor for submitting a request when said comparator judges that the present calendar time falls within the requestable calendar sales period of time, to a-the center for obtaining use of the content."

Independent claims 4, 9, 10, 12, 13, 14, and 15-25 have been amended in correspondence with the amendment to independent claim 1.

It is respectfully submitted that Yamauchi teaches a data reproduction apparatus having a storage means, a management data readout and save means, a first-data-group-readout first direction means, a first address value extraction unit, a first address indication unit, input manipulation means, a first-data-group-readout second direction means, a first-data-group readout means, a first-data-group reproduction means, a first-data-group output means, a second-data-group output judgment means, a second-data-group readout means, a second-data-group reproduction means, a second-data-group selection means, a branch channel judgment unit, a reproduction channel determination unit, a third address value extraction unit, and an element data readout unit to output reproduction data by judging whether a second data group is outputted after a first data group is outputted by a reproduction point. There is no teaching or suggestion of a terminal, operating in conjunction with a center, the center having a database registered with a sales period set on each content, a database sales period reading section, a present time-sales period determining section and a key supplying section, comprising: a period reader reading a requestable calendar sales period of time stored on an individual self contained computer readable content medium, the content medium indicating the requestable calendar sales period of time during which a content on the content medium can be served and sold; a present calendar time data generator generating present calendar time data indicating a present calendar time; a comparator comparing the requestable calendar sales period of time with the present calendar time; and a requestor for submitting a request when said comparator judges that the present calendar time falls within the requestable calendar sales period of time, to the center for obtaining use of the content, as is recited in amended independent claim 1, and similarly in independent claims 4, 9, 10, 12, 13, 14, and 15-25, of the present invention.

Min teaches a method for searching for a track in an optical recording/reproducing apparatus by determining a first time period, said first time period being the time required to drive a sled motor to move a pick-up unit between a current position and a reference position on a compact disk; determining a second time period, said second time period being the time

required to drive said sled motor to move said pick-up unit between a target position and said reference position on the compact disk; comparing the first time period with the second time period to determine a third time period, said third time period being the time required to drive said sled motor to move the pick-up unit from said current position to said target position; driving said sled motor in a first direction for time equal to said third time period; and searching for the target track at an expiration of said third time period by driving the sled motor. It is respectfully submitted that determining first, second and third time periods, being times required to drive a sled motor to move a pick-up unit between desired positions on a compact disk. There is no teaching or suggestion of a terminal, operating in conjunction with a center, the center having a database registered with a sales period set on each content, a database sales period reading section, a present time-sales period determining section and a key supplying section, comprising: a period reader reading a requestable calendar sales period of time stored on an individual self contained computer readable content medium, the content medium indicating the requestable calendar sales period of time during which a content on the content medium can be served and sold; a present calendar time data generator generating present calendar time data indicating a present calendar time; a comparator comparing the requestable calendar sales period of time with the present calendar time; and a requestor for submitting a request when said comparator judges that the present calendar time falls within the requestable calendar sales period of time, to the center for obtaining use of the content, as is recited in amended independent claim 1, and similarly in independent claims 4, 9, 10, 12, 13, 14, and 15-25, of the present invention.

De Pommery teaches a system and process for authorizing the distribution of articles or services, the system comprising: first means for receiving first and second detachable data carriers, each data carrier having processing means, data storage means, decision-making means and interfacing circuits; second means for processing information from the first and second detachable data carriers; third means for providing bi-directional communication between the first and second detachable data carriers and said second means, the second detachable data carrier having means necessary for enabling said bi-directional communication between the first detachable data carrier and said second means; and fourth means responsive to said information processed by the second means for authorizing delivery of the articles or services. There is no teaching or suggestion of a terminal, operating in conjunction with a center, the center having a database registered with a sales period set on each content, a database sales period reading section, a present time-sales period determining section and a key supplying section, comprising: a period reader reading a requestable calendar sales period

of time stored on an individual self contained computer readable content medium, the content medium indicating the requestable calendar sales period of time during which a content on the content medium can be served and sold; a present calendar time data generator generating present calendar time data indicating a present calendar time; a comparator comparing the requestable calendar sales period of time with the present calendar time; and a requestor for submitting a request when said comparator judges that the present calendar time falls within the requestable calendar sales period of time, to the center for obtaining use of the content, as is recited in amended independent claim 1, and similarly in independent claims 4, 9, 10, 12, 13, 14, and 15-25, of the present invention.

Also, as noted by the Examiner, Yamauchi, Min and De Pommery fail to disclose the limitation of determining whether the present calendar time is within the requestable calendar sales period of time, as is recited by the present invention.

Chigira teaches an automatic food vending machine comprising: means for cooking food materials; first storage means for storing food materials for a long period; second storage means for preserving food materials in a condition that they can be quickly cooked by said cooking means; first transport means for transporting food materials from said first storage means to said second storage means; second transport means for transporting food materials from said second storage means to said cooking means; memory means for storing information concerning the food materials that were sold from said machine over a predetermined period; means for computing desirable storage conditions of food materials in the second storage means based on the information stored in the memory means; and means for controlling the operation of the first transport means based on the computed storage conditions. It is respectfully submitted that Chigira teaches tracking a time that food materials were sold from the vending machine over a predetermined period, and Chigira does not disclose a terminal, operating in conjunction with a center, the center having a database registered with a sales period set on each content, a database sales period reading section, a present time-sales period determining section and a key supplying section, comprising: a period reader reading a requestable calendar sales period of time stored on an individual self contained computer readable content medium, the content medium indicating the requestable calendar sales period of time during which a content on the content medium can be served and sold; a present calendar time data generator generating present calendar time data indicating a present calendar time; a comparator comparing the requestable calendar sales period of time with the present calendar time; and a requestor for submitting a request when said comparator judges that the present calendar time falls within the requestable calendar sales period of time, to the

center for obtaining use of the content, as is recited in amended independent claim 1, and similarly in independent claims 4, 9, 10, 12, 13, 14, and 15-25, of the present invention.

Thus, it is respectfully submitted that, alone or in combination, Yamauchi, Min, DePommery and/or Chigira fail to teach or suggest the present claimed invention. It is also respectfully submitted that there is no teaching or suggestion of combining Yamauchi, Min, DePommery and Chigira, and even if combined, said references would not disclose the present claimed invention. Hence, independent claims 1, 4, 9, 10, 12, 13, 14, and 15-25 are submitted to be patentable under 35 U.S.C. §103(a) over Yamauchi et al. (USPN 5,613,109) and Min (USPN 5,175,716) in view of De Pommery et al. (USPN 4,450, 535) in view of Chigira (USPN 5,163,356). Since claims 2, 3, 5, 6, 7, 8 and 11 depend from amended claims 1, 4 and 9, claims 2, 3, 5, 6, 7, 8 and 11 are submitted to be patentable under 35 U.S.C. §103(a) over Yamauchi et al. (USPN 5,613,109) and Min (USPN 5,175,716) in view of De Pommery et al. (USPN 4,450, 535) in view of Chigira (USPN 5,163,356) for at least the reasons that claims 1, 4 and 9 are submitted to be patentable under 35 U.S.C. §103(a) over Yamauchi et al. (USPN 5,613,109) and Min (USPN 5,175,716) in view of De Pommery et al. (USPN 4,450, 535) in view of Chigira (USPN 5,163,356).

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _March 29, 2005_   By: _Darleen J. Hockley_
                                    Darleen J. Stockley
                                    Registration No. 34,257

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501